IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO.102 OF 2004

Mrs Savita Vivek Shinde, Appellant-Applicant.

Vs

Mr Vivek Maruti Shinde, Respondent

AND

FAMILY COURT APPEAL NO.103 OF 2004

Mrs Savita Vivek Shinde, Appellant. Applicant.

Vs

Mr Vivek Maruti Shinde, Respondent

Mr S.B.Deshmukh i/b Mr Anil V. Anturkar, for the appellant/applicant.
Mr N.V.Vechalekar, for the respondent.

CORAM : S.B.MHASE &
D.B.BHOSALE, JJ.

DATE : JANUARY 27, 2005.

P.C.

1. Heard both sides.

2. Both the Advocates and the appellant and respondent are present in the Court. They have presented the Consent Terms wherein it is agreed that the parties have decided to take a divorce by mutual consent by carrying out amendment in H.M.Petition No.159 of 2000 pending in the Court of Civil Judge, Sr.Dn., Karad. They have also agreed that by way of full and final settlement an amount of Rs.6,50,000/-

is to be paid by the respondent-husband to the appellant-wife and daughter and, accordingly, a Demand Draft of Rs.2,50,000/- bearing No.156061 dated 25.1.2005 in favour of Ms Shrutika Vivek Shinde is handed over, so also two Demand Drafts of Rs.4,00,000/- have been handed over, bearing Nos.156049 dated 25.1.05 for Rs.2,50,000/- and 175467 dated 24.1.05 for Rs.1,50,000/- drawn in favour of Mrs Savita Vivek Shinde on the Bank of Maharashtra, are handed over to the wife. They have also agreed that the said amounts are not to be withdrawn till the decree of divorce is passed by the learned Civil Judge, Sr.Dn., Karad and they have given an undertaking to this Court that these amounts should not be withdrawn. We have noticed that the parties have entered into these Consent Terms voluntarily without influence by any other person. Since the marriage is already broken, we find it appropriate to accept the Consent Terms. We accept the undertaking given by the wife to the effect that she will not withdraw the amounts till the decree of divorce is passed by mutual consent. The Consent Terms are taken on record and marked "X" for identification.

3. Under these circumstances, we find it appropriate to pass the following order:

(a) The impugned decree is hereby set aside and is substituted by the Consent Terms and Office is directed to draw a decree accordingly in terms of the Consent Terms.

(b) We direct the learned Civil Judge, Senior Division, Karad to allow the amendment, when submitted by the respondent-husband in H.M.Petition No.159 of 2000 and allow the parties to convert the petition into a petition by mutual consent. The learned Civil Judge may equally allow the wife to sign the said petition. Since the marriage has already broken and the matrimonial petition is pending, we direct the learned Civil Judge, Senior Division, Karad further to pass a decree of divorce immediately.

(c) With these directions, both the Appeals are disposed of.

. Parties and all concerned to act on an ordinary copy duly authenticated by the Office.

(D.B.Bhosale, J.) **(S.B.MHASE, J.)**

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